

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

Appl. No.10/625,149 : Confirm. No. 8274
H. Downman McCarty, Jr. :
Brooke Schumm III :
Peter Popper, Applicants : Examiner: O. Flores Sanchez
Filed: July 23, 2003 : Group Art Unit 3724

**For: AN ANTI-SPALLING COMBINATION ON AN IMPACT TOOL
WITH AN IMPROVED HOLDING SYSTEM**

Honorable Commissioner of Patents and Trademarks
Mail Stop Patent Application, P.O. Box 1450
Alexandria, VA 22313-1450 (electronically filed)

CONTINUATION AND PRIORITY DATA

Continuation in part of PCT/US02/23448 and entry into the national stage of
PCT/US02/23448, continuation in part of U.S. provisional applications 60/307,198 filed
on July 23, 2001, and 60/356,804 filed on February 13, 2002

**RESPONSE TO OFFICE ACTION OF February 21, 2007
within the 30 days specified on the Notice of Mailing sent and attached hereto**

Thank you to the Office for contacting me by telephone.

Substitute pages 4 and 5 to applicants' Response of November 17, 2006 are
attached hereto with the proper page numbers on them, and with the proper claims status
identifiers which were accidentally omitted on claims 11 and 17.

If Applicants may explain the status of the election and the claims structure.:

The examiner had requested a restriction. The examiner referred to Figures 11A-
11C as Species XII.

Applicants elected species XII and elected to re-write the claims by withdrawing
the claims as previously drafted, and write independent claims reading on Species XII.

Independent claims 143, 146, 151 and 164 read on that Species XII in several variations. Claims 144-145 depend on and narrow independent claim 143. Claims 147-150 depend on and narrow independent claim 146. Claims 152-153 depend on and narrow independent claim 151. Multiple dependent claims are presented on claims 143-147, 149, and 151-152 with further detail and specificity. Independent claim 164, which reads on Species XII is the most detailed independent claim and has dependent claims 165-174 which depend on and narrow claim 164.

As stated in the filing yesterday, applicants believe the election was made in May, and an explanation was made as to the structure of the claims and that they read on Fig. 11A-11C which is Species XII.

The Response of March 12, 2007 is adopted by reference, but this Response should comprehensively deal with the issues raised.

The application is believed to be in order for allowance.

Attached is the notice of mailing.

If any further extension is needed, petition is made for an extension, and the office is authorized to charge any fees to my deposit account 50-3153.

Respectfully,

/s/ /Brooke Schumm III/
Brooke Schumm III
Patent Bar Registration No. 34,926
Danecker, McIntire et al
One N. Charles St., Suite 2450
Baltimore, MD 21201
(410) 649-4761
Attorney for Applicants

Date 3/13/2007



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,149

07/23/2003

H. Downman McCarty II

8274

25175 7590 02/21/2007
BROOKE SCHUMM III
ONE NORTH CHARLES STREET
SUITE 2450
BALTIMORE, MD 21201

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT

PAPER NUMBER

3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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30 DAYS

02/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.